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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,440	06/18/2001	Alphonsius Anthonius Jozef De Lange	PHNL 000348	2797

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,440

Applicant(s)

DE LANGE ET AL.

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/18/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kikinis (5,929,849)**.

As to claim 1, note the **Kikinis** reference figures 1-2C, discloses an integration of dynamic Universal Resource Locators (URL) with television (TV) presentations and further discloses a method of automatic execution of an application on a receiving station (Set-top Box 'STB' 11), comprising:

STB 11 "a receiving unit..." receives signals from a variety of sources, such as Satellite 15, Cable TV 17, VCR input 16 (figs. 1 and col. 5, lines 34-48), where the received signal or data stream comprises a plurality of streams (fig 2B) an each stream being associated with a channel on the STB 11 and comprising a TV presentations or program "content" portion and "URL(s)" zero or more application portions (col. 6, line 50-col. 7, line 1+ and col. 8, line 65-col. 9, line 23);

An 80486 CPU 19 "selection unit..." provides management and computing ability and receives channel selection form user via Remote Control 63 or Cursor, tunes

D/Tuner 13 to the selected channel (col. 5, lines 34-41) and displays the TV presentation of the stream with the selected channel, and

CPU-19 "an execution unit..." monitors the data stream to detect the presence of related content or URL, and when execution of application is enabled, displaying BMW emblem or icon 57 "executing an application present in the application portion, if any, of the stream associated with the selected channel;"

characterized in that, upon selecting of another channel by the user the BMW emblem is disable and if the user desires to interact "in response to occurrence of an enabling event, indicating that the user is actively viewing the selected channel," to the BMW emblem on the current displayed channel, execution of the related content is enabled and the user is presented with the related content or advertisement (col. 6, line 50-col. 7, line 28 and lin 38-col. 8, line 27), note that the user has a completed control of the television display, i.e. may or may not interact to the icon to displayed the related content, change channels and also suspend the watching of the TV presentation as desired, to watch series of advertisements.

As to claim 3-5, Kikinis further discloses where enabling event comprises erasing an on-screen display element form a display system (col. 7, line 57-col. line 23), note that once the viewer activates the icon the current TV presentations "an identifier for the current channel" is replace with another frame of the BMW advertisements; TV display further displays the advertisements and TV presentation as a PIP (col. 8, lines 17-22).

As to claim 6, the claimed "a receiving station comprising..." contains the same structural elements as rejected in claim 1.

Claims 8-10 are met as previously discussed with respect to claims 3-5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kikinis (5,929,849)** as applied to claims 1 and 6 above, in view of **Yuen (2002/0056086)**.

As to claim 2 and 7, Kikinis teaches a timer which displays the con for a predetermined time period, but fails to explicitly teach a timer which response to any user interaction with TV 11.

However, note the **Yuen** reference figure 2, disclose methods and apparatus for gathering information regarding media user preferences and monitors any user's interactions gathers information including amount of time a viewer spends, or does not spend, on a particular program or commercial (page 1, [0013-0016] and [0018]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate the teaching of Yuen into the system of Kikinis to monitor the user's interactions with respect to time and target appropriate advertisements to specific users.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCoy et al (2005/0125823) disclose promotional philosophy for a video-on-demand related interactive television.

Markel (2002/0059629) discloses detection and recognition of data receiver to facilitate proper transmission of enhanced data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.



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